



CANADIAN HUMAN RIGHTS COMMISSION

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National Institutions and Regional Arrangements - Speech by Mary Mac Lennan, CHRC Commissioner.

This speech was delivered at the 60th Session of the United Nations Commission on Human Rights held in Geneva, Switzerland on April 14, 2004.

Mr. Chairman,

Last December, we celebrated the 10th Anniversary of the Paris Principles. One could say the endorsement by the UN General Assembly marked the moment when members of the United Nations officially recognized the crucial role played by national institutions in making human rights a reality in the daily lives of a nation's people. It also allowed national institutions to have a voice in international fora like the Commission on Human Rights, and we thank you for the opportunity to speak here today.

Paris Principles

After ten years in operation, the Paris Principles have become a well-known and widely respected reference point in the international human rights system. Of course, the Principles have some limitations. They cannot fully reflect the variety of domestic experiences and dynamics. Moreover, it is clear that being in conformity with the Paris Principles does not of itself guarantee the effectiveness of a national institution.

But what is important to remember is the aspirational nature of the Paris Principles, which set out not only what a fully functioning national institution is, but also what it should be. This is not a static goal but one that is continuing to evolve. Moreover, the Paris Principles recognise that there is no 'one size fits all' ideal for all countries. As national institutions, it is therefore our responsibility to ensure we are examples of the important qualities underlining the Paris Principles, such as independence, integrity, and good performance, all of which are critical to national institutions operating effectively in their national environments.

Independence of NHRI

In setting out minimum standards for the establishment of national institutions, the Paris Principles emphasise independence and autonomy from government as essential criteria for effective institutions. They must stand apart from government and maintain a distinct set of powers and authority within the broader government system. If not, such an institution is simply another government department. In short, independence is essential if national institutions want to play a meaningful role.

Compliance with these principles does not guarantee a robust institution. International experience suggests that the most effective national institutions are those with a strong commitment to making respect for human rights a reality and are willing to stand firm in the face of resistance. That said, adherence to the Principles is the best assurance for protecting the independence of NHRIs from the vagaries of changing administrations.

Effectiveness and Role of NHRI

As national institutions, we have a duty to ensure we are effective and efficient in promoting and protecting human rights. We need to have a serious look at how we do our work and develop new tools for improving our impact. We owe it to the citizens of our countries, and to ourselves.

Over the past two years, the Canadian Commission has initiated a renewal process to become more efficient and effective in promoting and protecting human rights. Our renewal process entails measures for better management practices at the Commission, including through the development of performance measures. This process also allows us to ensure a timely and fair complaints process. And it is working. The Commission has reduced by almost half the average age of cases in its complaints system and has experienced a 79% increase in productivity of final decisions. Of course, much remains to be done. We will continue to improve our efficiency in case processing, reducing the average amount of time for a case in the system by even more.

The increased use of alternative dispute resolution is an important part of this reform and of our human rights process - it promotes healing, it is non-adversarial and it allows the participants greater control in developing creative options for resolving complaints in a constructive manner. This emphasis on mediation has proven very successful. Over 60% of complaints in which mediation takes place are resolved. And when we look at comparative costs, the advantages of mediation over traditional processes are even more striking. The cost for a complaint which is resolved through alternative dispute resolution at the Commission (\$4000) is roughly only 4% of the cost for cases which proceed all the way to the Tribunal (\$100,000). This additional cost for using the more traditional approach is a burden not only on the Commission and the Tribunal, but more importantly on the parties involved.

By putting emphasis on more efficient and less costly ways for resolving human rights complaints, the Commission will also be able to develop new tools for strengthening its impact on the Canadian human rights landscape.

One tool that the Commission has at its disposal for increasing its influence and societal impact is the preparation of special reports on issues which we consider to be of great social importance. Last year, we did one on the situation of the Aboriginal Innu People of Labrador. This year, we produced a report on federally sentenced women, seen through the optic of their human rights. The report focuses on the discriminatory impact of some federal correctional policies and programs, particularly on Aboriginal women, racialized women and women with disabilities. The report's main finding is that the correctional system should take a more gender-based approach to custody, programming and reintegration for women offenders.

Had the Commission chosen to deal with these issues through the traditional investigation process, its role would have been limited to assessing the evidence of each individual case, and determining whether further inquiry by the Tribunal was warranted. Furthermore, an investigation could have taken an equal or greater amount of time to conduct and the results would not have been as in depth and would not reflect the extensive research effort that supports the Commission's recommendations.

The advantage of a special report is that it can look at issues from a broad systemic perspective and can be conducted in a non-adversarial manner. Such reports can add an even stronger voice for human rights in our national debates. It is also a creative use of a non-complaints tool, an approach now being adopted by the Canadian Human Rights Commission under its new agenda for change.

Throughout its reform process, the Commission has been guided by the following five principles. The aim is a human rights system that:

- serves the public interest;

- transforms behaviour;
- is comprehensive;
- is preventive and forward-looking; and
- is independent, impartial and ensures good governance.

While some of these five principles can be met within the current toolbox of legislation and tools, others will require further changes to the Commission, to other human rights bodies and to our Canadian Human Rights Act. These changes will take more time and involve parliamentarians, non-governmental stakeholders and other actors in the Canadian federal human rights system, before they are fully defined and ready to be implemented.

Conclusion

Before concluding Mr. Chair, I would like to reiterate the importance of the Commission on Human Rights for national institutions. It allows us to report to the international community on the human rights situation in our country. It also allows us to share the ideas and changes being considered and implemented to make the human rights system better in our respective countries. This can only help us all in advancing human rights and countering discrimination for the benefit of all people living on this planet.

Thank you

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